



OFFICE OF THE POLICE COMMISSIONER
ONE POLICE PLAZA • ROOM 1400

January 29, 2024

Memorandum for: Deputy Commissioner, Trials

Re: **Police Officer Baimadajie Angwang**
Tax Registry No. 960164
Military and Extended Leave Desk
Disciplinary Case No. 2023-28529

The above named member of the service appeared before Assistant Deputy Commissioner, Trials Vanessa Facio-Lince on September 26, 2023, and was charged with the following:

DISCIPLINARY CASE NO. 2023-28529

1. Said Police Officer Baimadajie Angwang, while assigned to the Military Extended Leave Desk, on or about June 5, 2023, having been given a lawful order and notified to appear for an Official Department Interrogation pursuant to Administrative Guide Section 318-11, "Interrogation of Members of the Service," did fail to comply with said order to appear at said Interrogation.

A.G. 304-03, Page 1, Paragraph 2

COMPLIANCE WITH ORDERS

2. Said Police Officer Baimadajie Angwang, while assigned to the Military Extended Leave Desk, on or about June 5, 2023, failed to appear at an Official Department Interrogation and answer questions specifically directed and narrowly related to his official duties in connection with DADS Case No. 2020-22693.

A.G. 318-11, Pages 1 & 2, Paragraph 12 (note)

**INTERROGATION OF
MEMBERS OF THE SERVICE**

In a Memorandum dated November 21, 2023, Assistant Deputy Commissioner Facio-Lince found Police Officer Angwang Guilty of all Specifications in Disciplinary Case No. 2023-28529. Having read the Memorandum, I approve of the findings but disapprove of the penalty.

After reviewing the Report and Recommendation of Assistant Deputy Commissioner, Trials Vanessa Facio-Lince, including the evidence presented at trial, and having considered the totality of the circumstances and issues surrounding the charges against Police Officer Angwang, and also in consideration of the Department's

Disciplinary System Penalty Guidelines, I have determined that a penalty of Dismissal from the Department is warranted in this matter.

Police Officer Angwang was the subject of an Internal Affairs Bureau investigation [REDACTED]

[REDACTED]. After that, Police Officer Angwang was notified to appear for a Department interview, for which he never appeared. Police Officer Angwang was subsequently found guilty of refusing to comply with a lawful order to appear at an official Department interrogation and answer questions regarding his official duties. The Department is a paramilitary organization, and failure to obey and comply with questioning under an official investigation undermines its ability to carry out its mission.

Therefore, based on the foregoing, I direct that Police Officer Angwang be immediately dismissed from the Department.



Edward A. Caban
Police Commissioner



POLICE DEPARTMENT

-----X
In the Matter of the Disciplinary Proceedings :
- against - : FINAL
Police Officer Baimadajie Angwang : ORDER
Tax Registry No. 960164 : OF
Military and Extended Leave Desk : DISMISSAL
-----X

Police Officer Police Officer Baimadajie Angwang, Tax Registry No. 960164, having been served with written notice, has been tried on written Charges and Specifications numbered 2023-28529, as set forth on form P.D. 468-121, dated June 5, 2023, and after a review of the entire record, Respondent is found Guilty.

Now therefore, pursuant to the powers vested in me by Section 14-115 of the Administrative Code of the City of New York, I hereby DISMISS Police Officer Baimadajie Angwang from the Police Service of the City of New York.


EDWARD A. CABAN
POLICE COMMISSIONER

EFFECTIVE:

1/29/24



POLICE DEPARTMENT

November 21, 2023

-----X

In the Matter of the Charges and Specifications : Case No.
- against - : 2023-28529
Police Officer Baimadajie Angwang :
Tax Registry No. 960164 :
Military & Extended Leave Desk :

-----X

At: Police Headquarters
One Police Plaza
New York, NY 10038

Before: Honorable Vanessa Facio-Lince
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Penny Bluford-Garrett, Esq.
Department Advocate's Office
One Police Plaza
New York, NY 10038

For the Respondent: Michael Bloch, Esq.
Bloch & White, LLP
152 West 57th Street, 8th Floor
New York, NY 10019

To:

HONORABLE EDWARD A. CABAN
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

CHARGES AND SPECIFICATIONS

1. Police Officer Baimadajie Angwang, while assigned to the Military and Extended Leave Desk, on or about June 5, 2023, having been given a lawful order and notified to appear for an Official Department Interrogation, pursuant to Administrative Guide Section 318-11, "Interrogation of Members of the Service," did fail to comply with said order to appear at said Interrogation.

A.G. 304-03, Page 1, Paragraph 2

COMPLIANCE WITH ORDERS

2. Police Officer Baimadajie Angwang, while assigned to the Military and Extended Leave Desk, on or about June 5, 2023, failed to appear at an Official Department Interrogation and answer questions specifically directed and narrowly related to his official duties in connection with DADS Case No. 2020-22693.

A.G. 318-11, Pages 1 & 2, Paragraph 12 (note)

INTERROGATION OF
MEMBERS OF SERVICE

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on September 26, 2023. Respondent, through his counsel, entered a plea of Not Guilty to the subject charges. The Department called Lieutenant Daniel Cutter. Respondent testified on his own behalf, and called retired NYPD sergeant Jessica Michel and Deputy Inspector John Hall as character witnesses. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. After reviewing all of the evidence in this matter and assessing the credibility of the witnesses, I find Respondent Guilty of the charged misconduct and recommend a penalty of forced separation from the Department.

STATEMENT OF FACTS

The following facts are uncontested. Respondent was the subject of an Internal Affairs Bureau (hereinafter "IAB") investigation [REDACTED]

[REDACTED]

Respondent was initially notified, in writing, on May 17, 2023 to appear for a Department

interview, which was to be held on May 22, 2023. The interview was subsequently rescheduled at the request of Respondent's former counsel to accommodate his criminal court trial schedule. On May 18, 2023, Respondent was again notified, in writing (Dept. Ex. 1), to appear for a Department interview on June 5, 2023. Respondent failed to appear for the interview on June 5, 2023, claiming that the order to appear was "unlawful." The question presently before this Tribunal is whether the order to appear was lawful and, if so, whether Respondent's failure to comply with said order constitutes misconduct.

Lieutenant Daniel Cutter testified that he is the Commanding Officer of IAB Group 25 – a group tasked with investigating alleged misconduct or corruption [REDACTED]

[REDACTED] The group often works in conjunction with outside agencies, including the FBI, DEA, Postal Inspectors, and the Department of Homeland Security.

IAB Group 25 was investigating Respondent [REDACTED]
[REDACTED]
[REDACTED]

According to Lieutenant Cutter's testimony, IAB was operating in an administrative capacity, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] In preparing for an official Department interview, IAB had multiple conversations with the FBI and [REDACTED] to obtain any available discovery. Lieutenant Cutter testified that he reviewed

multiple unclassified documents provided to him by the FBI and prepared approximately 1700 questions that he would be asking Respondent at the administrative interview. (Tr. 34-36)

On May 17, 2023, Respondent was notified, in writing, to appear for an Administrative Guide ("A.G.") interview, which was to take place on May 22, 2023 in lower Manhattan. Following the notification to Respondent, Lieutenant Cutter was contacted by Respondent's then counsel, John Carmen, who informed him that he had a scheduling conflict with another client and requested that the interview be rescheduled. Lieutenant Cutter testified that he granted the request made by Respondent's attorney, and also informed him that due to the number of questions he had prepared, the official interview might take a few days and, as such, suggested that the attorney block out the necessary time in his calendar. (Tr. 36) At trial, Lieutenant Cutter also noted that there are no Department limitations on the number of hours or days that a member of service can be interviewed. (Tr. 37)

Following the communication between Lieutenant Cutter and Mr. Carmen on May 18, 2023, Respondent was issued a new written notification letting him know that his interview would take place on June 5, 2023. (Dept. Ex. 1) On or about May 31, 2023, Lieutenant Cutter received an email from Respondent's newly retained counsel, Bloch & White, informing him of a change in representation. He also received a letter from Respondent's new attorney that included three specific requests: that the A.G. interview be postponed for five weeks; that the interview be limited to no more than four hours; and that NYPD provide discovery in advance of the interview in order to prepare Respondent. (Tr. 43-44) After receiving this communication from Respondent's counsel, Lieutenant Cutter conferred with his supervisor, Inspector Ricciardi, and they agreed that the interview would not be postponed nor would they grant the request to limit the time of the interview. Lieutenant Cutter testified that on June 1, 2023, Inspector

Ricciardi contacted Respondent's new counsel by phone and informed them that the A.G. interview would proceed as scheduled at 1000 hours on Monday June 5, 2023; that the A.G. interview could go beyond four hours; and that discovery would not be provided to their office prior to the A.G. interview. As discussed with Attorney Carmen previously, Mr. Bloch was also informed that they would extend an opportunity for him to have sufficient time before the interview to review with Officer Angwang all exhibits that the Department was planning to show during the A.G. interview. (Tr. 45)

Lieutenant Cutter testified that on June 2, 2023, he received a letter (Resp. Ex. F) from Benjamin White which stated that although their client had every intention to meaningfully contribute to the NYPD's investigation, he would not do so if their request was not granted. The letter further indicated that Respondent would not participate in the "GO-15 interrogation" because they felt that "such an onerous interview without due process is part of a discriminatory campaign against Respondent." According to Lieutenant Cutter, there was no further communication between IAB and Respondent's attorney between June 2, 2023 and June 5, 2023. He concluded his testimony by confirming that Respondent did not appear for the A.G. interview scheduled on June 5, 2023 at 1000 hours, despite the fact that he signed in that morning at 0800 hours at the same location where the interview was supposed to be held. (Tr. 48)

Respondent testified that he came to live in the United States at the age of 17 as a Tibetan asylee. Shortly after his arrival, Respondent joined the military and served on active duty in Afghanistan with the United States Marine Corps. He ascended the ranks of the military until he was promoted to Corporal. Respondent was awarded a Certificate of Commendation for his "exceptional professionalism, initiative and devotion to duty." (Resp. Ex. H) He also received high performance evaluations from his superiors. (Resp. Ex. J) Upon his return from

Afghanistan, he volunteered to join the U.S. Army Reserve prior to starting his employment with the Department in January 2016.

Respondent further testified that while he was in the Police Academy, he was selected to be the “company sergeant.” In this capacity, he was the leader of his assigned group. After the Academy, Respondent was assigned to the 111 Precinct as a patrol officer. He was awarded “Cop of the Month” by Deputy Inspector Hall in recognition for his crime prevention initiative in reaching out to local Chinese restaurants that were being targeted for robberies. Respondent was also approached by DCPI to develop a social media platform specifically designed for the Chinese community and ultimately assisted in the creation of the NYPD Facebook page in Chinese, which was an important step in bridging the gap between NYPD and the Chinese community. (Tr. 160) Respondent testified that despite being suspended from the NYPD, he still views his employment by the Department as his version of the “American dream.” (Tr. 162)

Respondent recollected that he became aware that the Department had filed charges and specifications against him in May 2021 when he was served with formal notice by representatives from the Department Advocate’s Office. He was also aware that an A.G. interview would follow and, according to his testimony, he was planning on participating. (Tr. 163) Respondent acknowledged receiving an official order from Lieutenant Cutter to attend the Department interview scheduled in May 2023. According to Respondent’s testimony, however, when he was informed by his then-counsel that the interrogation could last five days, he became very concerned given the ordeal he had experienced with the FBI investigation. He asserted that he felt that he was being unfairly targeted by the Department. Respondent testified that according to “his friends in the NYPD” and the PBA attorney with whom he consulted, this length of time

for the interrogation was “unusual” and it seemed that he was being “set up” by the Department to be fired. (Tr. 164)

Shortly before Respondent was scheduled to appear for the interview, he retained new counsel. He testified that his attorneys requested an adjournment to review any discovery and prepare for the interrogation. They also requested that the interview be limited to four hours instead of five days. Ultimately, Respondent asserted that he believed his non-compliance with Lieutenant Cutter’s orders was justified because it constituted “an unlawful order” as advised by his attorney. (Tr. 165-66)

Respondent’s Character Witnesses:

Jessica Michel testified that she is a former sergeant in the NYPD who retired in 2021. She worked for the NYPD for twenty years prior to her retirement. She knew Respondent in her capacity as a supervisor in the 111 Precinct. She testified that although she did not directly supervise Respondent, their offices were close to one another and she interacted with Respondent daily for about three years. She explained she served as the command’s Integrity Control Officer during this period of time, and there were no disciplinary issues involving Respondent. (Tr. 116-17, 120)

When asked to describe Respondent’s character, retired Sergeant Michel testified that “he has an excellent character; very personable, really had pride in working for the NYPD, did anything he was asked...didn’t remember him getting into trouble.” (Tr. 118) She went on to re-emphasize Respondent’s commitment to the Department, his pride in his work, and willingness to follow orders. (Tr. 119)

Sergeant Michel remarked that she was voluntarily testifying on Respondent’s behalf because she believed it was the right thing to do as she felt that Respondent “is being treated

unfairly, and did nothing to deserve this kind of treatment from anyone... There's no reason why he should be terminated." She testified that she also authored a letter to the Mayor expressing similar sentiments. (Tr. 126-27) Sergeant Michel concluded her testimony with her recommendation that Respondent not be terminated and reinstated to full duty. (Tr. 128)

On cross-examination, Sergeant Michel was asked if she ever spent time with Respondent outside of working hours, to which she responded in the negative. It was clear from her testimony that her knowledge of the Respondent's character was limited to his on-duty performance. (Tr. 129)

Deputy Inspector John Hall testified that he has been employed by the NYPD for approximately 18 years. From March 2018 to January 2020, Deputy Inspector Hall was the Commanding Officer of the 111 Precinct. Respondent was assigned to Community Affairs at the 111 Precinct during that same period of time. According to Deputy Inspector Hall's testimony, he became well-acquainted with Respondent. (Tr. 134-35)

Deputy Inspector Hall recalled Respondent being committed to serving the community, that he was very "conscientious and diligent" in the performance of his duties as an officer, and "very subordinate." (Tr. 136) He further added that Respondent was "one of the most upbeat officers in the precinct," and that it was "clear just by his demeanor and enthusiasm" that he was a motivated police officer." (Tr. 137)

In February 2023, Deputy Inspector Hall wrote a letter to the Police Commissioner on behalf of Respondent because he had "heard that the Police Commissioner is receptive to input from commanding officers when it came to disciplinary cases." (Tr. 138; *see* Resp. Ex. V) In the letter, Deputy Inspector Hall described Respondent as an "exemplary officer," who is "highly motivated" and if given the opportunity would continue to serve the city well. (Resp. Ex. V) He

also included a compelling anecdote about his commitment to protecting and serving the community.

Deputy Inspector Hall attested that he has not testified at a Departmental trial for any other officer, but that he felt strongly that Respondent “worked very hard for the city . . . [and] deserves a fair hearing.” (Tr. 140) Finally, he asserted that he believes Respondent is a valuable asset to the Department. During cross-examination, Deputy Inspector Hall recognized that his knowledge of Respondent was limited to his official duties as a police officer. Nonetheless, he held Respondent in high regard. Deputy Inspector Hall testified that he was familiar with the FBI’s investigation of Respondent, but remains steadfast in his support of Respondent’s return to full duty. (Tr. 141-42)

ANALYSIS

The evidence supports a finding that Respondent received a clear and unambiguous order, in writing, to appear at an official Department interview on June 5, 2023. Respondent does not dispute that he absented himself from the scheduled interview after having been directed to do so by a superior officer. At issue here is whether Respondent’s admitted failure to appear constitutes misconduct. I find that it does.

It is well-settled that with respect to public employees, the State “may compel any person enjoying a public trust to account for his activities and may terminate his services if he refuses to answer relevant questions, or furnishes information indicating that he is no longer entitled to public confidence.” *People v. Avant*, 33 N.Y.2d 265, 271 (1973), citing *Gardner v. Broderick*, 392 U.S. 273 (1968). In a case like this, the Department is asserting its legitimate interest as a public employer. “To require a public body to continue to keep an officer or employee who refuses to answer pertinent questions concerning his official conduct, although assured of

protection against use of his answers or their fruits in any criminal prosecution, would push the constitutional protection beyond its language, its history or any conceivable purpose of the framers of the Bill of Rights.” *Unif. Sanitation Men Ass’n v. Comm’r of Sanitation of City of N.Y.*, 426 F.2d 619, 626 (2d Cir. 1970), *cert denied* 406 U.S. 961 (1972).

Moreover, Administrative Guide Section 304-03 specifically requires that members of service, “Obey lawful orders and instructions of supervising officers.” (A.G. 304-03, Page 1, para. 2) It is a basic tenet of public employment law that employees are generally required to “obey now, grieve later.” Exceptions to this principle are very limited. For example, an employee need not obey an unlawful order, an order that is beyond the scope of a supervisor's authority, or an order that poses an imminent threat to health or safety. *See Ferreri v. N.Y. State Thruway Auth.*, 62 N.Y.2d 855 (1984); *Kennedy v. N.Y. State Police*, 216 A.D.2d 770 (3d Dept. 1995); *Alper v. Gaffney*, 73 A.D.2d 644, 644-45 (2d Dept. 1979); *Reisig v. Kirby*, 62 Misc.2d 632 (Sup. Ct., Suffolk Cnty. 1968), *aff’d*, 31 A.D.2d 1008 (2d Dept. 1969).

Respondent argued at trial that he was not required to appear at the scheduled interview because the order issued by Lieutenant Cutter was unlawful. Specifically, Respondent contends that because his attorney was not provided with requested discovery in advance of the interrogation date, and because the number of days the interrogation was expected to last was longer than a day, it was inherently unlawful. This argument is without merit.

Administrative Guide 318-11, which delineates the procedure for the *interrogation* of members of the service, states that:

Prior to questioning a member of the service (uniformed or civilian) who is the subject or a witness in an official investigation, the interrogating officer must:

- 1) Permit member to obtain counsel if:
 - a. A serious violation is alleged, OR
 - b. Sufficient justification is presented although the alleged violation is minor.

- 2) Inform member concerned of:
- a. Rank, name and command of person in charge of investigation
 - b. Rank, name and command of interrogating officer
 - c. Identity of all persons present
 - d. Whether he is subject or witness in the investigation, if known
 - e. Nature of accusation
 - f. Identities of witnesses or complainants (address need not be revealed) except those of confidential source or field associate unless they are witnesses to the incident
 - g. Information concerning all allegations.
 - h. The Department's policy regarding making false, misleading, and inaccurate statements, as per A.G. 304-10, "False or Misleading Statements."

Respondent's attorney seemed to suggest during his cross-examination of Lieutenant Cutter that Respondent was somehow deprived of his procedural rights because he was not provided the above-mentioned information prior to June 5, 2023. However, this section sets forth the "rights" that the member of service has and the information they are entitled to before the questioning begins, not at the time that he/she is provided with notification to appear for an official interview. Issues relating to his representation at the official interview and the permissible scope and subject matter of the official interview were separate matters that could have been properly addressed had Respondent appeared when ordered to do so.

Additionally, nowhere in A.G. 318-11 does it state that members of service are entitled to discovery prior to questioning. As Lieutenant Cutter testified, had Respondent showed up as ordered, he would have been afforded an opportunity, along with his counsel, to review all of the exhibits before the interview commenced. That was explained to his prior counsel and it was repeated to Mr. Bloch on the phone by Inspector Ricciardi. Moreover, at the interview, they would have explained to Officer Angwang that he was the subject of the investigation, the nature of the allegations being made against him, and provided the identities of witnesses against him, if any such witnesses existed. (Tr. 80)

Respondent's attorney further argued that his client's failure to appear for his scheduled official interview was because it was an unlawful order that was "beyond the scope of the supervisor's authority." (Tr. 177) Mr. Bloch, in his summation, cited to *Disciplinary Case No. 2016-15116* (Feb. 3, 2016); however, his reliance on this case is misplaced. That case involved a respondent who actually *appeared* for his official Department interrogation with his attorney and, once there, asked for a witness list to be provided, but was denied by the Department. The tribunal found that Department's refusal to release the identities of relevant witness ran afoul of the specific requirements of Patrol Guide Section 206-13, which, at that time, set forth the rules and parameters for official Department interviews.

Respondent's case is substantially different in that he did not appear for his official interview. In addition, no evidence was introduced to demonstrate that he would *not* have been provided with documents and a witness list had he complied with the directive to appear. In fact, based upon Lieutenant Cutter's credible testimony, if Respondent had shown up on June 5, 2023, he would have been provided with the items his attorney requested.

Furthermore, A.G. 318-11 does not state the length of time that the interrogation should take. The only references to the duration of time of the interrogation in A.G. 318-11 can be found on page 1, paragraph 4, which states that the interrogation officer must: "conduct the interrogation at a reasonable hour, preferably when member is on duty during daytime hours," and on page 2, paragraph 7, which provides that the interrogation officer should "regulate the duration of question periods with breaks for meal, personal necessity, telephone call, etc." Thus, Respondent's contention that the suggested extended duration of his Department interview rendered the order unlawful is baseless. Respondent offered no more than limited anecdotal evidence in his attempt to show that official Department interviews are hardly ever conducted for

more than a day. Such evidence is insufficient to establish that he was improperly singled out for unfair treatment or discriminately targeted. They also do not serve as reasons to justify Respondent's failure to initially appear as directed on June 5, 2023. Accordingly, I find Respondent guilty of the charged misconduct.

PENALTY

In order to determine an appropriate penalty, this Tribunal, guided by the Department's Disciplinary System Penalty Guidelines, considered all relevant facts and circumstances, including potential aggravating and mitigating factors established in the record. Respondent's employment history also was examined. *See* 38 RCNY § 15-07. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached memorandum.

Respondent, who was appointed to the Department on January 6, 2016, has been found guilty of refusing to comply with a lawful order to appear at an official Department interrogation and answer questions narrowly related to his official duties. The Department has recommended that Respondent's employment be terminated and relied upon a number of pre-Matrix cases cited above to support their position. Respondent's attorney argued that termination is not warranted because of his client's highly distinguished military career and the fact that he has made significant contributions to the safety and well-being of the community he served while at the 111 Precinct for this court's consideration. He added that termination under these circumstances is unwarranted pursuant to the Disciplinary Matrix. (Tr. 198-99)

Based upon the credible and candid testimony from retired Sergeant Michel and Deputy Inspector Hall and evidence adduced at trial, it is clear to this Tribunal that Respondent is valued and highly praised by his former supervisors for his work ethic and well-liked by the community

and highly praised by his former supervisors for his work ethic and well-liked by the community for his positive contributions. Indeed it appears as stated by the defense, “this is a man, who’s not only devoted his life to service of this country and this Department, but who has dutifully complied with lawful orders his entire life.” (Tr. 192) The record is replete with evidence that supports Respondent’s reputation, and commitment to service including but not limited to a certificate of commendation, positive evaluations, and letters of support for the Respondent (*See* Resp. Exs. H, J, K, P, Q, R, U and V).

The Disciplinary Matrix does not offer a specific sanction for failure to appear or participate in an official Department interrogation. It does, however, state that the presumptive penalty for “failure to comply with a lawful order” is 20 penalty days and the aggravated penalty is 30 penalty days. On the other end of the spectrum, the matrix provides that the aggravated penalty for “conduct prejudicial to the good order and efficiency of the Department” is termination. The Department Advocate relied upon several pre-Matrix cases in support of termination from the Department as this penalty has consistently been imposed where a member has failed to comply with a lawful order regarding an official Department interview. *See e.g. Disciplinary Case Nos.* 2020-22738 (Oct. 26, 2020); 2020-22443 (Aug. 20, 2020); 2020-21869 (March 24, 2020); 2016-15216 (Feb. 10, 2016); 2007-83167 (Oct. 26, 2007); and 2004-79582 (Apr. 4, 2005).

This case is factually unique, however, because Respondent presented credible evidence that he relied upon the advice of his counsel, however questionable. Based upon Respondent’s testimony, it did not appear that he was deliberately attempting to subvert the Department’s interrogation process, but rather he was misguided and ill-informed about the legality of the order. Although not a defense, Respondent’s reliance on the advice of counsel under these

particular circumstances is a mitigating factor that this Tribunal considered along with his exemplary employment history and the letters of support from the community.

The Department is a paramilitary organization and failure to obey orders and comply with questioning, pursuant to an official investigation, undermine its ability to carry out its mission. There are some mitigating factors present in this case that make it distinguishable from precedent, where dismissal was recommended. However, the serious nature of this misconduct cannot be overlooked. While this Tribunal considered Respondent's history and reputation within the Department, I have determined that a significant penalty is nonetheless necessary for the misconduct in this matter.

Having considered the totality of the circumstances and issues concerning the misconduct of which Officer Angwang has been found guilty, separation from the Department is warranted. However, it is the view of the Tribunal that instead of an outright dismissal from the Department, an alternative manner of separation from the Department would be appropriate in this case. Accordingly, I recommend that the Police Commissioner direct an immediate post-trial settlement negotiation, allowing Respondent to file for vested-interest retirement, along with whatever additional conditions he deems appropriate.

Respectfully submitted,



Vanessa Facio-Lince
Assistant Deputy Commissioner Trials

DISAPPROVED

EDWARD A. CABAN
EDWARD A. CABAN
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: SUMMARY OF EMPLOYMENT RECORD
POLICE OFFICER BAIMADAJIE ANGWANG
TAX REGISTRY NO. 960164
DISCIPLINARY CASE NO. 2023-28529

Respondent was appointed to the Department on January 6, 2016. On his three most recent performance evaluations, he was rated “Meets Standards” for 2017, and “Exceeds Expectations” for 2018 and 2019.

Respondent has no formal disciplinary history. He has been suspended from duty since September 21, 2020 and remains suspended to date. Specifically, in connection with the charges in this case, he was suspended without pay from June 8, 2023 through July 9, 2023, at which time he was returned to suspended with pay status.

For your consideration.

Vanessa Facio-Lince
Assistant Deputy Commissioner Trials